

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

**Notice of Preliminary Hearing on Motion
[Check One]**

**For Use of Cash Collateral
To Obtain Credit**

Debtor

YOU ARE NOTIFIED THAT:

1. The undersigned moving party, _____,
filed a motion [*check one*]
for use of cash collateral.
to obtain credit.

The motion is attached and it includes (1) the statement required by [Local Bankruptcy Form \(LBF\) 541.5, Procedures re: Motions for Use of Cash Collateral or to Obtain Credit](#) and (2) the following allegations:

- a. The immediate and irreparable harm that will come to the estate pending a final hearing is:
 - b. The amount of [*check one*] cash collateral credit necessary to avoid the harm detailed above prior to the final hearing is _____.
2. The name and service address of the moving party's attorney (or moving party, if no attorney) are:
 3. An evidentiary hearing on the motion, at which witnesses may testify, will be held as follows:

Date: _____ **Time:** _____

Location: Courtroom # _____, _____

Telephone Hearing [See [LBF 888](#), *Telephone Hearing Requirements*.]

Call In Number: (888) 684-8852

Access Code: 5870400 for Judge David W. Hercher (dwh)
1238244 for Judge Peter C. McKittrick (pcm)
4950985 for Judge Teresa H. Pearson (thp)
3388495 for Judge Thomas M. Renn (tmr)

Video Hearing. To connect, see www.orb.uscourts.gov/video-hearings.

4. If you wish to object to the motion, you must attend the preliminary hearing, file a written response, which states the facts upon which you will rely, with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401, or both attend the hearing and file a written response.

If the response is filed within three business days before the hearing, notify the judge's chambers by telephone immediately after filing the document, as required by Local Bankruptcy Rule 9004-1(b).

5. I certify that on _____ this notice and the motion were served pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 7004 on the debtor(s), any debtor's attorney, any trustee, any trustee's attorney, members of any committee appointed under 11 U.S.C. § 1102 or elected pursuant to 11 U.S.C. § 705 or its authorized agent (or, if no committee in a chapter 11 case, on all creditors listed on the list filed pursuant to FRBP 1007(d)), any creditors' committee attorney, the U.S. trustee, and all entities with any interest in the cash collateral subject to this motion, whose names and addresses used for service are as follows:

Signature of Moving Party or Attorney

OSB #

(If debtor is movant) Debtor's Address & Last 4 Digits of Taxpayer ID#(s)

Cash Collateral Service Matrix

Willamette Valley Hops, LLC

POB 276

Saint Paul OR 97137

Tony Kullen

Farleigh Wada Witt

121 SW Morrison St., Suite 600

Portland OR 97204

Garrett Legerwood

Miller Nash, LLP

111 SW 5th Ave., Suite 3400

Portland OR 97204

Anthony Barrera

20460 S Main Street

POB 3

Saint Paul OR 97137

Bruce Wolf

5295 St Louis Road NE

Gervais OR 97026

Clayton Hops

377 Waimea West Road

Brightwater 7091

New Zealand

Danielle Davidson

11315 Wheatland Rd NE

Gervais OR 97026

Derek Wolf

2571 Graystone Drive

Woodburn OR 97071

Gooding Farms

23669 Batt Corner Rd

Parma ID 83660

Innovation Tea

670 Hardwick Rd, Unit 4

Bolton, Ontario Canada

L7E 5R5

Internal Revenue Service

Centralized Insolvency Solutions

PO Box 7346

Philadelphia PA 19101

Jeff Langley

1195 Josephine Street

Oregon City OR 97045

John I. Haas
1600 River Road
Yakima WA 98902

Paul Stevens
7402 O'Neil Road
Keizer OR 97303

Joseph Caulkins
16912 SW Reghetto Street
Sherwood OR 97140

Preferred Transportation Services
PO Box 550
Prosser WA 99350

Maureen Barbur
416 4th Avenue
Oregon City OR 97045

US Bancorp
c/o Richard C. Davis, CEO
800 Nicolette Mall
Minneapolis MN 55402

ODR – Bkcy
955 Center NE #353
Salem OR 97301

William Delema
1225 Goosecreek Road
Woodburn OR 97071

Paul Allard
14 River Woods Drive
Scarborough ME 04074

XPO Logistics
Five American Lane
Greenwich CT 06831

Troutman Law Firm PC
5075 SW Griffith Dr., Suite 220
Beaverton, OR 97005
(503) 292-6788
(503) 596-2371 fax
Ted A. Troutman, OSB #844470

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re:

WILLAMETTE VALLEY HOPS, LLC,

Debtor(s).

Case No. 24-60110-pcm11

**INTERIM MOTION FOR AUTHORITY
TO USE CASH COLLATERAL**

COMES NOW, Willamette Valley Hops, LLC (“Debtor”), by and through its attorney, Ted A. Troutman, and asks the Court for interim authority to use cash collateral up to through February 5, 2024 and to grant a replacement lien. In support of its application, Debtor respectfully represents:

1. None of the prohibited provisions listed in LBF #541.7 are included in this Motion or the proposed Interim Order.
2. Debtor filed a voluntary Petition under Chapter 11 of the United States Bankruptcy Code on the 19th day of January, 2024 (“filing date”) and continues to operate its wholesale hop business.
3. The secured creditor is US Bank N.A. and they have a UCC-1.

The debt secured by the UCC is approximately \$1.1 million. Creditor has a blanket lien on all accounts, accounts receivable and equipment of Debtor.

4. Debtor needs to use the accounts and account receivables to continue operation of its business. The Debtor has cash needs for the period January 19, 2024 to February 5, 2024 as listed on the attached ***Exhibit 1***.

5. As and for adequate protection pursuant to 11 U.S.C. §361, 363, and 364, Secured Creditors shall be granted a security interest and replacement lien, dollar for dollar, in all the post-petition accounts and account receivables to replace their security interest and liens in the collateral.

6. Debtor has given written notice of this Motion to the United States Trustee and to the secured creditor's attorney.

WHEREFORE, Debtor requests this Court enter an Interim Order in the form of ***Exhibit 2***, attached hereto authorizing Debtor's use of cash collateral. Debtor further requests this Court enter its Order after notice and, if necessary, a final hearing, determining that the relief requested herein is appropriate and in the best interest of the estate and authorizing the Debtor to perform all acts necessary to effectuate this application and the relief sought herein.

Dated this 19th day of January, 2024.

/s/ Ted A. Troutman

Ted A. Troutman, OSB #844470
Attorney for Debtor-in-Possession

Willamette Valley Hops, LLC.
Debtor in charge
Profit Loss
January 19 - Feb 5th, 2024

"Exhibit 1 - Page 1 of 1"

	<u>Jan 19 to Feb 5, 24</u>
Ordinary Income/Expense	
Income	
Income	
Hop Income	381,000.00
Spices & Herbs	789.25
Income - Other	856.90
Total Income	<u>382,646.15</u>
Uncategorized Income	0.00
Total Income	<u>382,646.15</u>
Cost of Goods Sold	
*Cost of Goods Sold	<u>331,190.39</u>
Total COGS	<u>331,190.39</u>
Gross Profit	51,455.76
Expense	
Auto Expense	23.05
Bank Charges	30.00
Expense Accounts	
Incoming Freight	8,000.00
Merchant deposit fees	7,006.90
Operating expenses	
Office Expenses	
Software	<u>121.48</u>
Total Office Expenses	121.48
Rent or Lease	6,000.00
Cell phones	<u>63.67</u>
Total Telephone Expense	<u>63.67</u>
Total Operating expenses	6,185.15
Payroll Expenses	25,000.00
Shipping	
LTL	4,600.00
Postage Outgoing Purchases	-43.36
Shipping Supplies	500.00
UPS Outgoing on Purchases	<u>-1,500.00</u>
Total Shipping	<u>3,556.64</u>
Total Expense	<u>49,801.74</u>
Net Ordinary Income	<u>1,654.02</u>
Net Income	<u><u>1,654.02</u></u>

EXHIBIT 2

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re:

WILLAMETTE VALLEY HOPS, LLC,

Debtor-in-Possession.

Case No. 24-60110-pcm11

**INTERIM ORDER ALLOWING USE
CASH COLLATERAL**

This matter came before the court on Debtor's Motion for Interim Authority to use Cash Collateral (Dkt. No. ____, the "Cash Collateral Motion"). The Court FINDS:

A. This bankruptcy case was commenced on January 19, 2024 ("Petition Date").

B. Creditor U.S. Bank, NA has a UCC-1 on all Debtor's accounts and account receivables.

NOW THEREFORE, IT IS ORDERED as follows:

1. Debtor may use the Cash Collateral pursuant to attached budget marked as **Exhibit A**. Debtor's authority to use Cash Collateral is limited to the cumulative amounts and uses of cash collateral as set forth in the budget; together with a 10% variance for each listed budget category.

2. Other than the findings above, nothing in this Order shall be construed to (a) prejudice a right of any party in interest (including Debtor) to contest the validity, priority or extent of the liens or security interest of any party in any collateral or in the proceeds thereof, as of, on or after the Petition Date; (b) convert any pre-petition obligations into post-petition obligations; (c) require payment of any obligations on confirmation of a plan of reorganization; (d) alter, improve, limit or impair the rights, if any, of parties claiming to have rights of reclamation against Debtor, or its assets; or (e) enhance the secured position of any creditor as of the Petition Date.

3. Each creditor with a security interest in Cash Collateral shall be granted adequate protection in the form of a replacement lien, dollar for dollar, in post-petition rents.

4. The Automatic Stay of §362 of the Bankruptcy Code is hereby modified as necessary to permit the Secured Creditors to perfect the adequate protection lien granted to them hereunder; provided, however, that Secured creditors shall not be required to record any document with any filing officer or take any other action to perfect such lien, such lien being hereby deemed to be perfected without any such further action.

5. Other than the findings above, nothing contained in this Order shall constitute a determination as to the amount, validity or priority of any pre-petition obligation, security interest or lien and all rights of parties in interest to claim that any pre-petition lien or security interest in Debtor's property is unperfected, unenforceable, invalid or voidable, are reserved. Other than the findings above, nothing in this Order shall constitute an admission or acknowledgement by Debtor that any party has a valid or perfected lien in the rents of Debtor now existing or subsequently received, and the references herein to "Cash Collateral" is without prejudice to all rights, defenses and claims of Debtor to contend that any party does not have a perfected lien or security interest in such cash.

6. A final hearing on Debtor's Motion to Use Cash Collateral will be held on _____ at _____ am/pm in Courtroom #____. Evidence will be received if admissible.

I certify that I have complied with the requirements of LBR 9021-1(a)(2)(A).

#

Submitted by

TROUTMAN LAW FIRM, PC

Ted A. Troutman, OSB# 844470
Attorney for Debtors-in-Possession

CC Via Conventional Paper Service:

Willamette Valley Hops, LLC.
Debtor in charge
Profit Loss
January 19 - Feb 5th, 2024

"Exhibit A - Page 1 of 1"

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